THE STATE of the CASE

RELATING

To Sir John Turton's *Leaſe of* Heyling's-Park, *and* Ruffey-Park, *within the Foreſt of* Needwood.

BY Act of Parliament, made in the Seventh and Eighth Years of his preſent Majeſty, the Honour of *Tutbury*, *Foreſt* of *Needwood*, and ſeveral Parks, Mannors, Lands and Profits thereunto belonging, which had been granted away by King *Charles* the Second, are reveſted in the Crown, under a Proviſo, in theſe Words following, That the Honor of *Tedbury*, Foreſt of *Needwood*, ſeveral Parks, Mannors, Lands and other Profits, thereunto belonging, and by this Act mention'd to be reveſted in the Crown, ſhall not at any time hereafter be aliened from the Crown of this Realm, by his Majeſty or any his Heirs or Succeſſors without conſent of Parliament, and that all ſuch alienation of the ſame to any Perſon or Perſons, ſhall be, and is hereby declared Null and void to all Intents and Purpoſes whatſoever.

By the ſame Act a Debt of 3300 *l.* with Intereſt from the 3*d* of *February* 1688, wherewith the Premiſes were before chargable, is appointed to be paid by Wood, to be felled within the Foreſt of *Needwood*.

Sir *John Turton*, one of the Juſtices of the King's-Bench, who adviſed the Act of Parliament, hath notwithſtanding the ſaid Act, in *July* 1698, upon no other Conſideration than his Services, procured a Grant to himſelf, from his Majeſty, of the Woods in *Heyling-Park*, and *Ruffey-Park*, within *Needwood-Foreſt*; and a Leaſe for 99 Years, of the Soil of both, with liberty to diſpark and Plough up the ſame, under the yearly Rent of 4 *l. per Annum* for *Ruffey-Park*, and 1 *l.* 6 *s.* 8 *d. per Annum* for *Heyling's-Park*, and has ſince impal'd *Heyling's-Park*, with the Kings Timber, for his own private uſe, and ſtocked the ſame with a great number of Deer.

This Grant is contrary to the intent of the Act of Parliament, and to the prejudice of the Crown, the Foreſt, and all Freeholders bordering thereon, or claiming Eſtovers there, for theſe Reaſons.

1. The ancient Rent to the King for the Herbage only of *Heyling's-Park*, was 3 *l.* 6 *s.* 8 *d.* and in this Leaſe no more then 1 *l.* 6 *s.* 8 *d.* is reſerved.

2. The Kings Deer are excluded from part of their Paſture.

3. The Royalties and Intereſt which were intended by the Act to be preſerved entire in the Crown, are divided, and put into private Hands

4. The King's Deer being excluded from part of their Range, will be more apt to break into the Lands bordering upon the Foreſt than before, and injure the Neighbouring Eſtates.

5. The Woods within theſe Parks, which alone, without the Soil, were formerly valued by the King's Surveyor at 1568 *l.* 5 *s.* and might have been applied towards payment of the 3300 *l* Debt, are now converted to Sir *John Turton*'s private uſe, whereby greater quantities of Wood muſt be felled within the Foreſt for ſatisfying this Debt, than there would otherwiſe have been. And the Eſtovers claimed by the Freeholders in that Foreſt, muſt thereby be leſſened.

6. This Act was made to prevent the King and Subject claiming right in the Foreſt, from being befrauded or injured by Grants obtained upon falſe Suggeſtions; and this Leaſe for 99 Years, has all the ſame miſcheifs in it as an alienation in Fee, and ſeems to be a manifeſt evaſion of the true meaning of the ſaid Act of Parliament. For the Trees are granted away wholly, and the Soil with liberty to grub up and Plough it during the Term, which beſides the leſſening of the Rent, takes away all profit from the King or Subject, and renders the Reverſion of no value. And if a Leaſe for 99 Years maybe granted, a Leaſe of 1000, 2000, or 10000 may by the ſame reaſon be granted, and yet be no alienation againſt the Act of Parliament.

It is humbly hop'd that this Leaſe ſhall be vacated